

### **REMARKS**

This is a full and timely response to the outstanding final Office Action mailed October 5, 2004. Upon entry of the amendments in this response, claims 1 - 20 remain pending. In particular, Applicants have amended claims 1, 9, 13 and 17 - 18. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

#### **Rejections Under 35 U.S.C. §112**

The Office Action indicates that claims 17 and 18 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As set forth above, Applicants have amended claims 17 and 18 and respectfully assert that the rejection has been rendered moot.

#### **Rejections Under 35 U.S.C. §103**

The Office Action indicates that claims 1, 3 - 13, 15 - 17 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Christopher*. The Office Action also indicates that claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Christopher* in view of *Claflin*. The Office Action further indicates that claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Christopher* in view of Admitted Prior Art. Applicants respectfully traverse the rejection.

Turning first to *Christopher*, *Christopher* generally relates to a printer that is reconfigurable based upon a specifically disclosed process. In particular, *Christopher* teaches:

*For example, the user may select download formats 271 if he wishes new format information to be downloaded to the labeler 30. When the user selects such an optional function is determined by the microprocessor 74 at block 274, the microprocessor determines at block 276 whether the selected function is enabled in the on-line table 270. If the selected function is not enabled, the microprocessor 74 returns to block 272. If, however, the selected function is enabled, the microprocessor 74 at block 278 reads the address identified in the on-line enable table 270 for the selected function into the scratch pad portion of RAM 204 and thereafter exits the subroutine at block 280. It is noted that the on-line subtable 270 may also be used with the scanner operation (5) wherein data is transferred to the labeler 30 via a scanning wand or the like.*

*In order to reconfigure the labeler 30, the microprocessor 74 is coupled to the host computer 212 through the RS 232 interface 252. A user then enters on the keyboard 72 the key sequence for the gun configuration operation (1) discussed above. In response to the key sequence associated with the gun configuration operation (1) before the initial handshake, the labeler 30 at block 284 (FIG. 11) determines whether the correct password has been entered on the keyboard 72 of the labeler 30 and if not the labeler 230 exits the gun configuring routine at block 286. If the correct password has been entered into the labeler 30, the microprocessor 74 causes a "WAITING" message to be shown on the display 65. Thereafter, the microprocessor 74 and the host computer 212 perform an initial handshake operation. (Christopher, col. 9, line 53 to col. 10, line 16). (Emphasis Added).*

As set forth above, *Christopher* does not teach or reasonably suggest that a feature is automatically enabled or that communication is automatically established for receiving information to enable the function. This is in direct contrast to the features/limitations recited in Applicant's amended claims as will be described in detail below.

In this regard, claim 1 has been amended to recite:

1. *A computer-implemented method for tracking features of a device, the device having at least a first feature, the first feature exhibiting at least a first mode and a second mode of operation, in the first mode, the functionality of the first feature is disabled and, in the second mode, the functionality of the first feature is enabled, the method comprising:  
collecting, via a communication link established with the device, information regarding the intended use of the first feature by a user; and  
if the collected information indicates that the user intends to use the first feature, automatically providing information that corresponds to the device such that the device exhibits the second mode of operation, thereby enabling the functionality of the first feature.*  
(Emphasis added).

Applicants respectfully assert that *Christopher* is legally deficient for the purpose of rendering claim 1 unpatentable. In particular, Applicants respectfully assert that *Christopher* does not teach or reasonably suggest at least the features/limitations emphasized above in claim 1. Therefore, Applicants respectfully assert that the rejection of claim 1 is improper and that claim 1 is in condition for allowance. Since claims 3 – 8 are dependent claims that incorporate all the features/limitations of claim 1, Applicants respectfully assert that these claims also are in condition for allowance.

With respect to claim 9, that claim recites:

9. A system for tracking features of a device, the device having at least a first feature, the first feature exhibiting at least a first mode and a second mode of operation, in the first mode, the functionality of the first feature is disabled and in the second mode, the functionality of the first feature is enabled, the system comprising:

an information system configured to collect information regarding the intended use of the first feature by a user, ***the information system further configured to provide information that corresponds to the device automatically*** such that the device exhibits the second mode of operation, in response to the collected information indicating that the user intends to use the first feature, ***thereby enabling the functionality of the first feature.*** (Emphasis Added).

Applicants respectfully assert that *Christopher* is legally deficient for the purpose of rendering claim 9 unpatentable. In particular, Applicants respectfully assert that *Christopher* does not teach or reasonably suggest at least the features/limitations emphasized above in claim 9. Therefore, Applicants respectfully assert that the rejection of claim 9 is improper and that claim 9 is in condition for allowance. Since claims 10 – 12 are dependent claims that incorporate all the features/limitations of claim 9, Applicants respectfully assert that these claims also are in condition for allowance.

With respect to claim 13, that claim recites:

13. A features tracking system comprising:  
a device having:  
at least a first feature, the first feature exhibiting at least a first mode and a second mode of operation, in the first mode, the functionality of the first feature is disabled and, in the second mode, the functionality of the first feature is enabled, the device being further configured to receive an instruction capable of switching the mode of the first feature;  
programmable logic corresponding to at least the first feature;  
a first nonvolatile memory element containing the programmable logic;  
and  
a second nonvolatile memory element configured to contain information exhibiting the mode in which the first feature is operating;  
***wherein the device is operative to:  
automatically establish a communication link in response to a user attempting to use the first feature when the first feature is disabled;  
communicate, via the communication link, information corresponding to an intended use of the first feature by the user; and  
receive the instructions, via the communication link, to enable the first feature.***  
(Emphasis Added).

Applicants respectfully assert that *Christopher* is legally deficient for the purpose of rendering claim 13 unpatentable. In particular, Applicants respectfully assert that *Christopher* does not teach or reasonably suggest at least the features/limitations emphasized above in claim 13. Therefore, Applicants respectfully assert that the rejection of claim 13 is improper and that claim 13 is in condition for allowance. Since claims 15 – 17 are dependent claims that incorporate all the features/limitations of claim 13, Applicants respectfully assert that these claims also are in condition for allowance.

With respect to the rejection of claims 2 and 14 under *Christopher* in view of *Claflin*, Applicants respectfully assert that *Claflin* is legally deficient for the purpose of remedying the deficiencies previously mentioned with respect to *Christopher*. Specifically, since *Claflin* does not teach or reasonably suggest at least the features/limitations emphasized above in claims 1 and 13 as lacking in *Christopher*, Applicants respectfully assert that the rejection of

claims 2 and 14 is are improper. Therefore, Applicants respectfully assert that these claims are in condition for allowance.

With respect to the rejections of claims 18 and 19, Applicants respectfully assert that this rejection also is improper. In particular, Applicants respectfully assert that the admitted prior art does not teach or reasonably suggest the features/limitations emphasized above as lacking in *Christopher* with respect to independent claim 13. Since claims 18 and 19 are dependent claims that incorporate all the features/limitations of claim 13, and since the admitted prior art does not teach or reasonably suggest the features that are lacking in *Christopher*, Applicants respectfully assert that these claims also are in condition for allowance.

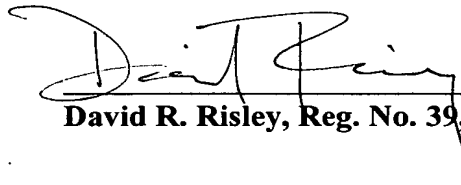
#### **Cited Art Made of Record**

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

## CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 - 20 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

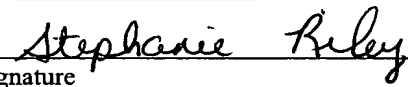
Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 10/21/04.



Signature